

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3093
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
ROSEMARY HERNANDEZ,)	
a/k/a “ROSALINDA,”)	
)	
Defendant.)	

This matter is before the court on the Magistrate Judge’s Recommendation (filing 22) that the defendant’s motion to dismiss (filing 12) be denied. The defendant has objected (filing 23) to the Recommendation pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3. After a de novo review of the Magistrate Judge’s Recommendation pursuant to 28 U.S.C. § 636(b)(1) and NECrimR 57.3, and for the reasons carefully and correctly articulated in his Report and Recommendation, I conclude that the Magistrate Judge’s Recommendation should be adopted and the defendant’s motion to dismiss be denied.¹

Accordingly,

¹The court notes that Judge Piester ordered the government to file a bill of particulars by November 4, 2005, setting forth the names of all persons known or alleged to have been members of the conspiracy charged and the specific acts—including the dates, times, places, persons present, and actions taken by each—that the government will attempt to prove at trial. (Filing 22.) The docket sheet for this case does not indicate that the government has done so.

IT IS ORDERED:

1. The Magistrate Judge's Recommendation (filing 22) is adopted;
2. The defendant's objection (filing 23) to the Recommendation is denied;
3. The defendant's motion to dismiss (filing 12) is denied; and
4. The Clerk of Court shall provide a copy of this Memorandum and Order to the assigned Magistrate Judge.

November 23, 2005.

BY THE COURT:

s/Richard G. Kopf

United States District Judge